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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,694	03/17/2004	Toshio Yamagiwa	0505-1280P	1883

2292 7590 02/14/2007  
BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER
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YUN, EUGENE

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	02/14/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 02/14/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

**Office Action Summary**

Application No.

10/801,694

Applicant(s)

YAMAGIWA, TOSHIO

Examiner

Eugene Yun

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,5,7,9,11,13,15,17,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,7,9,11,13,15,17,19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johannes (NL 9101758) in view of Hawes et al. (US 5,838,233).

Referring to Claim 1, Johannes teaches a vehicle, comprising:

A tag, said tag being mounted in the vehicle, the tag including a recording medium in which identification information for identifying the vehicle is registered (see first 2 lines of ABSTRACT);

Johannes does not teach the tag attached inside a vehicle seat to be sat on by a user in the vehicle, said vehicle seat being composed of a resin member. Hawes teaches the tag attached inside a vehicle seat to be sat on by a user in the vehicle, said vehicle seat being composed of a resin member (see col. 2, lines 29-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Hawes to said device of Johannes in order to provide a more clear interrogation of a RFID tag with less interference.

Referring to Claim 9, Johannes teaches a vehicle, comprising:

A vehicle body (see ABSTRACT noting that a bicycle has a vehicle body);

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A vehicle seat composed of a resin member attached to said vehicle body, said vehicle seat to be sat on by a user in the vehicle (see lines 2-7 of ABSTRACT); and

A tag attached inside said resin member, said tag including a recording medium in which identification information for identifying the vehicle is registered (see first 2 lines of ABSTRACT).

Johannes does not teach the tag attached inside said resin member of said vehicle seat. Hawes teaches the tag attached inside said resin member of said vehicle seat (see col. 2, lines 29-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Hawes to said device of Johannes in order to provide a more clear interrogation of a RFID tag with less interference.

Referring to Claim 17, Johannes teaches a resin member for a vehicle, comprising:

A tag, said tag including a recording medium in which identification information for identifying the vehicle is registered (see first 2 lines of ABSTRACT).

Johannes does not teach said tag being attached inside the resin member, wherein the resin member is a vehicle seat to be sat on by a user in the vehicle. Hawes teaches said tag being attached inside the resin member, wherein the resin member is a vehicle seat to be sat on by a user in the vehicle (see col. 2, lines 29-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Hawes to said device of Johannes in order to provide a more clear interrogation of a RFID tag with less interference.

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Referring to Claims 3 and 11, Johannes also teaches a saddle-type vehicle (see ABSTRACT noting that a bicycle is a saddle-type vehicle).

Referring to Claims 5, 13, and 19, Johannes also teaches the tag located adjacent to a front or rear of the seat, so that a distance between the tag and an outside of the seat is small (see figs. 1 and 2 noting that the frame 7 can be the pole under the bicycle seat thus putting the tag near the seat).

Referring to Claims 7, 15, and 20, Johannes also teaches an RFID tag including an IC and means for transmitting/receiving radio signal embedded therein (see last 5 lines of ABSTRACT).

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, and 20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (571) 272-7860. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571)272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



MATTHEW ANDERSON  
SUPERVISORY PATENT EXAMINER